



Appl. No. 10/721,566

Statement and Response to Office Action
Reply to Office Action of Feb. 23, 2005

REMARKS

Claim Objections

The objection to 14 is overcome by clarifying that the objective 6 is arranged off-center with respect to the deflector element 10. Removal of the objection is kindly requested.

Claim Rejections - 35 USC § 102

Claims 1, 11, 12, and 14 are rejected under 35 USC 102(b) as being anticipated by US 4448498 (Muller et al.). The rejection is respectfully traversed for the following reasons.

Claim 1 requires:

a zoom system (8) downstream of the objective, the zoom system having a plurality of axes (9, 8a', 8b', 8c', 8d') wherein *at least one of the plurality of axes of the zoom system forms an angle with the optical axis (6a) of the objective*

(emphasis added). However, in Muller et al., the axis of the zoom system 17 or 18 runs parallel to the optical axis of objective (9, 10). More specifically, these axes all extend in a vertical direction as shown in Figs. 2 and 3.

Claim 1 further requires:

a plurality of deflector elements (10, 12a to 12e); *by means of which* at least one observation beam emerging from the objective (6) can be guided into the zoom system (8) *and at least one observation beam emerging from the zoom system (8) can be guided on to the other axis (15)*

(emphasis added). In claim 1, “the other axis (15)” refers to “another axis (15) extending substantially parallel to the at least one axis of the zoom system.” The Office Action, near the bottom of page 2, identifies deflector elements (13, 16, and 20) of Muller et al. as meeting the claimed “plurality of deflector elements.” However, the last deflector element 20 deflects light in a horizontal direction toward element 21, and not “substantially parallel to” an axis of the zoom system 17 (or 18), which extends vertically. In this regard, it is noted that element 21 of Muller et al. is identified, near the top of page 3 of the Office Action, as meeting the limitation “at least one optical element (19) ... for extending the beam path ...”. Thus, element 21 is not part of the “plurality of deflector elements.”

Therefore, the structure of Muller et al. does not correspond to the structure set forth in claim 1. For the reasons above, claim 1, and claims 11, 12, and 14 depending therefrom, are respectfully considered to be patentable over Muller et al.

Moreover, specifically concerning claims 11 and 12, the zoom system (17, 18) of Muller et al. has two channels, not three or four channels as applicant has claimed.

Therefore, favorable reconsideration of claims 1, 11, 12, and 14 is kindly sought.

Claim Rejections - 35 USC § 103

Claim 2 is rejected under 35 USC 103(a) as being unpatentable over Muller et al. in view of US 4643541 (Matsubara). The fundamental deficiencies of Muller et al. as a primary reference, explained above, are reiterated here. Accordingly, it is urged that the combination of Muller et al. with Matsubara does not lead to or suggest a stereomicroscope as defined by claim 2. Allowance of claim 2 is respectfully requested.

Claims 3, 7, 8, and 9 are rejected under 35 USC 103(a) as being unpatentable over Muller et al. in view of US 5861982 (Takahama et al.). The fundamental deficiencies of Muller et al. as a primary reference, explained above, are reiterated here. Accordingly, it is urged that the combination of Muller et al. with Takahama et al. does not render obvious or suggest a stereomicroscope as defined by claims 3, 7, 8, and 9. Favorable reconsideration of claims 3, 7, 8, and 9 is respectfully requested.

Claim 16 is rejected under 35 USC 103(a) as being unpatentable over Muller et al. in view of US 6081371 (Shioda et al.). As discussed above, applicant contends that Muller et al. does not teach the invention apart from a data projecting device. Therefore, claim 16 is not made obvious by the combination of Muller et al. and Shioda et al. Allowance of claim 16 is respectfully requested.

Claim 4 is rejected under 35 USC 103(a) as being unpatentable over Muller et al. in view of Takahama et al. and further in view of Shioda et al.. The fundamental deficiencies of Muller et al. as a primary reference, explained above, are incorporated here. Accordingly, it is urged that claim 4 is patentable over the cited references, and allowance of claim 4 is respectfully requested.

Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Muller et al. in view of Takahama et al. and further in view of US 2003/0165012 (Straehle et al.). The fundamental deficiencies of Muller et al. as a primary reference, explained above, apply again here. Claim 5 is respectfully considered patentable over the cited references, and allowance of claim 5 is earnestly sought.

Claim 6 is rejected under 35 USC 103(a) as being unpatentable over Muller et al. in view of Takahama et al. and further in view of US 6356088 (Simon et al.). Because Muller et al. is insufficient as a primary reference, as explained above, the rejection is respectfully traversed. Favorable reconsideration of claim 6 is respectfully requested.

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Claim 15 is rejected under 35 USC 103(a) as being unpatentable over Muller et al. The fundamental deficiencies of Muller et al. as a primary reference, explained above, are reiterated here. Allowance of claim 15 is respectfully requested.

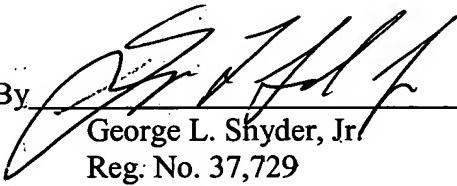
Allowable Subject Matter

The indication that claims 10 and 13 are directed to allowable subject matter is acknowledged with thanks. Applicant asks the Patent Office to consider the points made above concerning Muller et al., and expects these points will eliminate the need to rewrite claims 10 and 13, in that claim 1 should now be allowed.

Conclusion

The present application is thought to be in a condition for allowance. If the Examiner has any questions, or the attorneys for applicant can assist in any way, the undersigned attorney may be contacted at the number provided below.

Respectfully submitted,
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